



Therein, he highlights and explains what is obvious and why Defendant cannot rely on *Barclays* – it involved a suit where the plaintiff was alleging fraud and misrepresentation, rather than wrongful termination, as in this case.

**C. Magistrate Judge Primomo correctly confirms that Almonte has pled a *Sabine-Pilot* claim.**

Finally, Magistrate Primomo concludes his recommendation with nearly a page of detail as to why Plaintiff has sufficiently alleged a claim upon which relief can be granted and Defendant's motion to dismiss be denied. Therein, Magistrate Primomo reminds the reader that the Court is required to accept Plaintiff's allegations as true at this junction in the proceedings. He notes that her pleadings are voluminous and detailed and raise Plaintiff's "right to relief above the speculative level."

Therefore, Plaintiff respectfully requests that the Court overrule Defendants' objections and adopt as this Court's order Judge Primomo's memorandum and recommendation.

Respectfully submitted,

JONES, GILLASPIA & LOYD, L.L.P.

By: /s/ John Bruster Loyd

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ATTORNEYS FOR PLAINTIFF

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 3<sup>rd</sup> day of December 2010, I electronically filed the foregoing document with the Clerk of Court using CM/ECF. I also certify that the foregoing is being served this day upon all counsel of record identified either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing, in accordance with the Federal Rules of Civil Procedure.

/s/ John Bruster Loyd

JOHN BRUSTER LOYD